



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Ordinance No. 1807 Entitled, "An Ordinance of the Lodi City Council Adopting the '2007 California Plumbing Code'; Thereby, Repealing and Reenacting Lodi Municipal Code Chapter 15.12 in its Entirety"

**MEETING DATE:** November 21, 2007

**PREPARED BY:** City Clerk

---

**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1807.

**BACKGROUND INFORMATION:** Ordinance No. 1807 entitled, "An Ordinance of the Lodi City Council Adopting the '2007 California Plumbing Code'; Thereby, Repealing and Reenacting Lodi Municipal Code Chapter 15.12 in its Entirety," was introduced at the regular City Council meeting of November 7, 2007.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

Randi Johl  
City Clerk

RJ/JMP  
Attachments

---

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

ORDINANCE NO. 1807

AN ORDINANCE OF THE LODI CITY COUNCIL ADOPTING  
THE "2007 CALIFORNIA PLUMBING CODE"; THEREBY,  
REPEALING AND REENACTING LODI MUNICIPAL CODE  
CHAPTER 15.12 IN ITS ENTIRETY

=====

NOW, THEREFORE, the City Council of the City of Lodi does ordain as follows:

Section 1. Lodi Municipal Code Chapter 15.12, "Plumbing Code," is hereby repealed and reenacted to read as follows:

Chapter 15.12

Plumbing Code

- 15.12.010 Adoption.
- 15.12.020 Department Having Jurisdiction.
- 15.12.030 Plumbing Permit Fees.
- 15.12.035 Fee Schedule.
- 15.12.040 Violation – Misdemeanor.

15.12.010 Adoption

The provisions set forth in the "2007 California Plumbing Code" together with Appendix Chapter 1 Administration and enforcement thereof, and all other appendix thereto, are hereby adopted as the Plumbing Code of the City of Lodi. The Plumbing Code of the City of Lodi shall apply to all matters pertaining to plumbing, drainage systems and gas fittings in the City of Lodi.

15.12.020 Department Having Jurisdiction

The Building Division of the Community Development Department and the Building Official or his/her authorized representative shall enforce the provisions of this Chapter and shall have all of the duties and rights of the Administrative Authority as provided in the 2007 California Plumbing Code.

15.12.030 Plumbing Permit Fees

A fee for each plumbing permit required by this Chapter shall be paid to the City of Lodi. Fees shall be paid prior to permit issuance.

15.12.035 Fee Schedule

The schedule of plumbing permit fees required by this Chapter will be those established and adopted by City Council from time to time by resolution.

15.12.040 Violation – Misdemeanor

- A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any plumbing or permit the same to be done in violation of this Chapter.
- B. Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is guilty of a misdemeanor punishable on conviction as set forth in Chapter 1.08 of this Code. Each separate day or any portion of thereof, during which any violation of this Chapter occurs or continues, shall be deemed to constitute a separate offense and punished accordingly.
- C. In addition to the penalties set forth in Section 15.12.040 (B) above, City may at its sole discretion, seek to enforce this Chapter under Chapter 1.10 of this Code.

Section 2 – No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3 – Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 5. This ordinance shall be published one time in the “Lodi News Sentinel,” a newspaper of general circulation, printed and published in the City of Lodi, and shall be in force and take effect January 1, 2008, which date is at least 30 days after passage of this ordinance.

Approved this 21<sup>st</sup> day of November, 2007

---

BOB JOHNSON  
Mayor

Attest:

---

RANDI JOHL  
City Clerk

State of California  
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance 1807 was introduced at a regular meeting of the City Council of the City of Lodi held November 7, 2007, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 21, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance 1807 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

---

RANDI JOHL  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER

By: \_\_\_\_\_  
JANICE D. MAGDICH  
Deputy City Attorney